

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

IN RE:  
DAVID M. BRIDGES, DEBTOR

CHAPTER 13 PROCEEDING  
CASE NO. 13-00761-ee

**OBJECTION TO CONFIRMED CHAPTER 13 PLAN**

COMES NOW, JPMorgan Chase Bank, National Association, a secured creditor under 11 U.S.C. § 506 (a) & (b), in the above entitled Bankruptcy proceeding, by and through its attorney, and hereby submits the following objections to the confirmed Chapter 13 Plan, and in support of said objection states as follows:

I.

That this objecting secured creditor holds that certain Deed of Trust Note with an original Principal Balance of \$276,000.00 executed by the Debtor on November 22, 2006, and secured by a Deed of Trust on the residence of the Debtor, filed of record in the Office of the Chancery Clerk of Madison County, Mississippi in Book 2128 at Page 402, and generally described as:

Lots 5,6, and part of 7, Deerfield Village, Phase 1, Madison County, Mississippi, described as follows:

Beginning at the Southwest Corner of Lot 7 and run North 22 degrees 50 minutes East along the West line of Lot 7 for 115.44 feet to the Northwest Corner of Lot 7; thence run South 71 degrees 37 minutes East along the North line of Lot 7 for 12.44 feet run South 08 degrees 00 minutes West for 114.33 feet to the South line of Lot 7; thence North 75 degrees 13 minutes West for 42.08 feet to the Point of Beginning.

II.

That Debtor's proposed plan (Exhibit A) provides for payment of the Debtor's pre-petition arrearage to JPMorgan Chase Bank, National Association through March 31, 2013 in the amount of \$53,500.00. That JPMorgan Chase Bank, National Association duly filed its Proof of Claim (Exhibit B) with arrears due in the amount of \$57,993.42.

III.

JPMorgan Chase Bank, National Association objects to its proposed treatment under the plan in that it is a fully secured creditor upon the residence of the Debtor and its claim is not afforded the protection of 11 U.S.C. § 1322(b)(2).

WHEREFORE, JPMorgan Chase Bank, National Association respectfully requests that confirmation of the Chapter 13 plan as submitted by the Debtor be denied or in the alternative the plan be modified accordingly.

Respectfully submitted  
SHAPIRO & MASSEY, LLC

/s/ Evan J. Lundy  
Evan J. Lundy

**CERTIFICATE OF SERVICE**

I, Evan J. Lundy, of the firm of Shapiro & Massey, LLC, do hereby certify that I have this date provided a copy of the foregoing Objection either by electronic case filing or by United States mail postage pre-paid to the following:

Harold J. Barkley, Jr., Chapter 13 Trustee,  
hjb@hbarkley13.com

Elizabeth Johnson Spell, Attorney for the Debtor  
1.elizabeth.johnson@gmail.com

Office of the U.S. Trustee  
[USTPRegion05.JA.ECF@usdoj.gov](mailto:USTPRegion05.JA.ECF@usdoj.gov)

David M. Bridges  
205 Village Circle  
Canton, MS 39046

Suzanne Bridges  
205 Village Circle  
Canton, MS 39046

Dated: August 7, 2013

Respectfully submitted  
SHAPIRO & MASSEY, LLC

/s/ Evan J. Lundy  
Evan J. Lundy

Presented by:  
J. Gary Massey, MSB #1920  
Evan J. Lundy, MSB# 103044  
SHAPIRO & MASSEY, LLC  
1910 Lakeland Drive, Suite B  
Jackson, MS 39216  
Telephone No: (601)981-9299  
Facsimile No. (601)981-9288  
BK Case No. 13-00761-ee



## SHAPIRO & MASSEY, LLC

ATTORNEYS AT LAW

Gerald M. Shapiro  
Admitted in Illinois &  
Florida only  
David S. Kreisman  
Admitted in Illinois only  
J. Gary "Pete" Massey  
Admitted in Mississippi  
only  
Eric C. Miller  
Admitted in Mississippi  
only  
Cynthia D. Cohly  
Admitted in Mississippi  
only  
Evan J. Lundy  
Admitted in Mississippi  
only

August 7, 2013

David M. Bridges  
205 Village Circle  
Canton, MS 39046

RE: David M. Bridges  
Court Case Number: 13-00761-ee  
Loan Number: 1962128727  
S&M File Number: 11-003483

Dear David M. Bridges:

Enclosed is a copy of the Objection to Proposed Chapter 13 Plan and Confirmation Thereof filed with the Bankruptcy Court on behalf of JPMorgan Chase Bank, National Association.

Very truly yours,

SHAPIRO & MASSEY, LLC

/s/Evan J. Lundy

Evan J. Lundy

Enclosure

David M. Bridges  
205 Village Circle  
Canton, MS 39046

Suzanne Bridges  
205 Village Circle  
Canton, MS 39046

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF MISSISSIPPI

Debtor: David M. Bridges SSN: XXX-XX-7243 CASE NO. 13-00761-ee  
Joint Debtor: N/A SSN: XXX-XX-\_\_\_\_\_ Median Income:       Above       ☒ Below  
Address: 205 Village Circle  
Canton, MS 39046

**THIS PLAN DOES NOT ALLOW CLAIMS. Creditors must file a proof of claim to be paid under any plan that may be confirmed. The treatment of ALL secured and priority debts must be provided for in this plan.**

**PAYMENT AND LENGTH OF PLAN**

The plan period shall be for a period of 60 months, not to be less than 36 months for below-median income debtor(s), or less than 60 months for above-median income debtors(s).

(A) Debtor shall pay \$ 3,352.50 per month to the Chapter 13 Trustee. Unless otherwise ordered by the Court, an order directing payment shall be issued to:

**Debtor because debtor's income is from self-employment**

\_\_\_\_\_  
\_\_\_\_\_

(B) Joint Debtor shall pay \$ \_\_\_\_\_ monthly to the Chapter 13 Trustee. Unless otherwise ordered by the Court, an order directing payment shall be issued to Debtor's employer at the following address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PRIORITY CREDITORS.**

Filed claims which are not disallowed are to be paid in full or as ordered by the Court as follows:

Internal Revenue Service: \$ 2,000.00 at \$ 33.33/month  
Mississippi Dept. of Revenue: \$ \_\_\_\_\_ at \$ \_\_\_\_\_/month  
Other/ \_\_\_\_\_: \$ \_\_\_\_\_ at \$ \_\_\_\_\_/month

**DOMESTIC SUPPORT OBLIGATION. DUE TO:** n/a

POST-PETITION OBLIGATION: In the amount of \$ \_\_\_\_\_ per month beginning \_\_\_\_\_, To be paid \_\_\_\_\_ direct, \_\_\_\_\_ through payroll deduction, or \_\_\_\_\_ through the plan.

PRE-PETITION ARREARAGE: In the total amount of \$ \_\_\_\_\_ through \_\_\_\_\_ which shall be paid in the amount of \$ \_\_\_\_\_ per month beginning \_\_\_\_\_.  
To be paid \_\_\_\_\_ direct, \_\_\_\_\_ through payroll deduction, or \_\_\_\_\_ through the plan.

**HOME MORTGAGES.** All claims secured by real property which are to be paid through the plan shall be scheduled below. Absent an objection by a party-in-interest, the plan will be amended consistent with the proof of claim filed herein, subject to the start date for the continuing monthly mortgage payment proposed herein.

Mtg pmts to Chase Beginning 4/2013 @ \$1,955.22       X       Plan        Direct  
Mtg pmts to \_\_\_\_\_ Beginning \_\_\_\_\_ @ \$ \_\_\_\_\_        Plan        Direct

Mtg arrears to Chase Through 3/2013 \$ 53,500.00 @ \$891.67/mo  
Mtg arrears to \_\_\_\_\_ Through \_\_\_\_\_ \$ \_\_\_\_\_ @ \$ \_\_\_\_\_/mo

Debtor's Initials /S/ DB Joint Debtor's Initials \_\_\_\_\_ Chapter 13 Plan, Page 1 of 3

**MORTGAGE CLAIMS TO BE PAID IN FULL OVER PLAN TERM:**

Creditor: n/a Approx. amt. due: \_\_\_\_\_ Int. Rate \_\_\_\_\_  
 Property Address: \_\_\_\_\_ Are related taxes and/or insurance escrowed \_\_\_\_ Yes \_\_\_\_ No

Creditor: \_\_\_\_\_ Approx. amt. due: \_\_\_\_\_ Int. Rate \_\_\_\_\_  
 Property Address: \_\_\_\_\_ Are related taxes and/or insurance escrowed \_\_\_\_ Yes \_\_\_\_ No

**NON-MORTGAGE SECURED CLAIMS.** Creditors that have filed claims that are not disallowed are to retain lien(s) pursuant to 11 U.S.C. § 1325(a)(5)(B)(i)(I) until the payment of the debt determined as under non-bankruptcy law or discharge. Such creditors shall be paid as secured claimants the sum set out below or pursuant to other order of the Court. The portion of the claim not paid as secured shall be treated as a general unsecured claim.

CREDITOR'S NAME	COLLATERAL	910* CLM	APPROX. AMT. OWED	VALUE	INT. RATE	PAY VALUE OR AMT. OWED
<u>n/a</u>	_____	_____	\$ _____	\$ _____	____%	_____
<u>n/a</u>	_____	_____	\$ _____	\$ _____	_____	_____
<u>n/a</u>	_____	_____	\$ _____	\$ _____	_____	_____

\* The column for \_910 CLM\_ applies to both motor vehicles and \_any other thing of value\_ as used in the \_hanging paragraph\_ of 11 U.S.C. § 1325

**SPECIAL CLAIMANTS** including, but not limited to, co-signed debts, abandonment of collateral, direct payments by Debtor, etc. For all abandoned collateral Debtor will pay \$0.00 on the secured portion of the debt. Where the proposal is for payment, creditor must file a proof of claim to receive proposed payment.

CREDITOR'S NAME	COLLATERAL	APPROX. AMT. OWED	PROPOSED TREATMENT
<u>Marine One</u>	<u>wrecked bass boat</u>	<u>\$ 4,245.00</u>	<u>abandon/pay 0</u>
<u>n/a</u>	_____	\$ _____	_____

**STUDENT LOANS** which are not subject to discharge pursuant to 11 U.S.C. §§ 523(a)(8) and 1328(c) are as follows (such debts shall not be included in the general unsecured total):

CREDITOR'S NAME	APPROX. AMT. OWED	CONTRACTUAL MO. PMT.	PROPOSED TREATMENT
<u>n/a</u>	\$ _____	\$ _____	_____

**SPECIAL PROVISIONS** which may apply to any or all payments to be paid through the plan, including, but not limited to, adequate protection payments:

**GENERAL UNSECURED CLAIMS** total approximately \$ 26,248.85. Such claims must be *timely filed* and not disallowed to receive payment as follows: \_\_\_\_IN FULL (100%), \_\_\_\_%(percent) MINIMUM, or a total distribution of \$ 5,500.00, with the Trustee to determine the percentage distribution. *Those general unsecured claims not timely filed shall be paid nothing, absent order of the Court.*

Debtor's Initials: /S/ DB

Joint Debtor's Initials \_\_\_\_\_

Chapter 13 Plan, Page 2 of 3



Total attorney fee charged: \$ 3,000.00  
Attorney fee previously paid: \$ 284.00  
Attorney fee to be paid in plan: \$ 2,716.00

The payment of administrative costs and aforementioned attorney fees are to be paid pursuant to Court order and/or local rules.

Automobile Insurance Co./Agent

Attorney for Debtor (Name/Address/Phone/Email)

**Elizabeth Johnson Spell, MSB # 102317**

**Robert E. Moorehead, Attorneys at Law, PLLC**

**220 West Jackson Street**

**Ridgeland, MS 39157**

**Tel. 601-956-4557**

**Fax. 601-956-4478**

**Email. [l.elizabeth.johnson@gmail.com](mailto:l.elizabeth.johnson@gmail.com)**

DATED: 3/20/2013

DEBTOR'S SIGNATURE /S/ David Bridges

JOINT DEBTOR'S SIGNATURE

ATTORNEY'S SIGNATURE /S/ Elizabeth Johnson Spell

Chapter 13 Plan, Page 3 of 3

Effective: October 1, 2011

B 10 (Official Form 10) (12/12)

<b>UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF MISSISSIPPI</b>		<b>PROOF OF CLAIM</b>
Name of Debtor David M. Bridges	Case Number: 13-00761-ee	
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): JPMorgan Chase Bank, National Association		
Name and address where notices should be sent:  JPMorgan Chase Bank, National Association Attn: Correspondence Mail Mail code LA4-5555 700 Kansas Lane Monroe, LA 71203  Telephone number: 800-981-3792 email: <a href="mailto:MSBankruptcy@logs.com">MSBankruptcy@logs.com</a>		<input type="checkbox"/> Check this box if this claim amends a previously filed claim  <b>Court Claim Number:</b> _____ (If known)  Filed on: _____
Name and address where payment should be sent (if different from above):  JPMorgan Chase Bank, National Association 3415 Vision Drive OH4-7142 Columbus, OH 43219  Telephone number: 800-981-3792 email: <a href="mailto:MSBankruptcy@logs.com">MSBankruptcy@logs.com</a>		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
<b>1. Amount of Claim as of Date Case Filed:</b> <u>\$310,994.91</u>  If all or part of the claim is secured, complete item 4.  If all or part of the claim is entitle to priority, complete item 5.  <input checked="" type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
<b>2. Basis for Claim:</b> <u>Promissory Note and Mortgage Dated November 22, 2006</u> (see instruction #2)		
<b>3. Last four digits of any number by which creditor identifies debtor:</b> XXXXXX8727 Attorney File #: 11-003483	<b>3a. Debtor may have scheduled account as:</b> _____ (See instruction #3a)	<b>3b. Uniform Claim Identifier (optional):</b> _____ (See instruction #3b)
<b>4. Secured Claim</b> (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.  <b>Nature of property or right of setoff:</b> <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other <b>Describe:</b> 205 Village Circle, Canton, MS 39046  <b>Value of Property:</b> \$ _____  <b>Annual Interest Rate</b> <u>6.75</u> % <input checked="" type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)		<b>Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any:</b> <u>\$57,993.42</u>  <b>Basis for perfection: Deed of Trust</b>  <b>Amount of Secured Claim:</b> <u>\$310,994.91</u>  <b>Amount of Unsecured Claim:</b> \$ _____
<b>5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.</b>		
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).  <input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507(a)(7).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*), earned within 180 days before the case was filed or debtor's business ceased, whichever is earlier – 11 U.S.C. §507(a)(4).  <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507(a)(8).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507(a)(5).  <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507(a)(____).
		<b>Amount entitled to priority:</b> \$ _____
*Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.		
<b>6. Credits.</b> The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)		

B 10 (Official Form 10) (12/12)

**7. Documents:** Attached are **redacted** copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements or in the case of a claim based on an open-end or revolving consumer credit agreement a statement providing the information required by FRBP 3001©(3)(A). If the claim is secured, box 4 has been completed, and **redacted** copies of document providing evidence of perfection of a security interest are attached. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (See instruction #7 and definition of "redacted")

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

**8. Signature:** (See instruction #8)

Check the appropriate box.

☐ I am the creditor      ☒ I am the creditor's authorized agent      ☐ I am the trustee, or the debtor, or their authorized agent. (See Bankruptcy Rule 3004.)      ☐ I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: Evan J. Lundy

Title: Attorney

Company: JPMorgan Chase Bank, National Association

/s/Evan J. Lundy

8/6/2013

Address and telephone number if different from notice address above:

(Signature)

(Date)

Shapiro & Massey, LLC

1910 Lakeland Drive

Suite B

Jackson, MS 39216

(601)981-9299 Fax: (601)981-9288

Telephone number: email:

*Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571*

JPMorgan Chase Bank, National Association, services the loan on the property referenced in this proof of claim. In the event the automatic stay in this case is lifted/set aside, this case dismisses, and/or the debtor obtains a discharge and foreclosure action is commenced on the mortgage property, the foreclosure will be conducted in the name of JPMorgan Chase Bank, National Association. "Note-holder", directly or through an agent, has possession of the promissory note. The promissory note is either made payable to Note-Holder or has been duly endorsed.

**Mortgage Proof of Claim Attachment**

If you filed a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See Bankruptcy Rule 3002.1

Name of debtor: David M. Bridges

Case Number: 13-00761-ee

Name of creditor: JPMorgan Chase Bank, National Association

Last four digits of any number you use to identify the debtor's account: XXXXXX8727

**Part 1: Statement of Principal and Interest Due as of the Petition Date**

Itemize the principal and interest due on the claim as of the petition date (included in the Amount of Claim listed in Item 1 on your Proof of Claim form).

1.	Principal due				(1)	<u>\$263,244.62</u>
2.	Interest Due	Interest rate	From mm/dd/yyyy	To mm/dd/yyyy	Amount	
		<u>6.75%</u>	<u>11/01/2010</u>	<u>03/06/2013</u>	<u>\$41,670.08</u>	
		Total interest due as of the petition date		<u>\$41,670.08</u>	Copy total here ► (2)	<u>+ \$41,670.08</u>
3.	Total principal and interest due				(3)	<u>\$304,914.70</u>

**Part 2: Statement of Prepetition Fees, Expenses, and Charges**

Itemize the fees, expenses and charges due on the claim as of the petition date (included in the Amount of Claim listed in Item 1 on your Proof of Claim form).

Description	Dates incurred	Amount
1. Late charges	<u>see attachments</u>	(1) <u>\$357.84</u>
2. Non-sufficient funds (NSF) fees	<u></u>	(2) <u>\$0.00</u>
3. Foreclosure Attorney fees	<u>see attachments</u>	(3) <u>\$1,017.30</u>
4. Foreclosure fees and court costs	<u></u>	(4) <u>\$0.00</u>
5. Advertisement costs	<u></u>	(5) <u>\$0.00</u>
6. Foreclosure mailing cost	<u></u>	(6) <u>\$0.00</u>
7. Title costs	<u></u>	(7) <u>\$0.00</u>
8. Recording fees	<u></u>	(8) <u>\$0.00</u>
9. Appraisal/broker's price opinion fees	<u></u>	(9) <u>\$0.00</u>
10. Property inspection fees	<u>see attachments</u>	(10) <u>\$70.00</u>
11. Foreclosure Court Posting Fees	<u></u>	(11) <u>\$0.00</u>
12. Insurance advances (non-escrow)	<u></u>	(12) <u>\$0.00</u>
13. Escrow shortage or deficiency (Do not include amounts that are part of any installment payment listed in Part 3).	<u>12/01/2010</u>	(13) <u>\$5,957.46</u>
14. Property Preservation expenses. Specify: " <u></u> "	<u></u>	(14) <u>\$0.00</u>
15. Other. Specify: <u>Bankruptcy Fees</u>	<u></u>	(15) <u>\$0.00</u>
16. Other. Specify: <u>Bankruptcy Costs</u>	<u></u>	(16) <u>\$0.00</u>
17. Total prepetition fees, expenses, and charges. Add all of the amounts listed above.		(17) <u>\$7,402.60</u>

**Part 3: Statement of Amount Necessary to Cure Default as of the Petition Date**

Does the installment payment amount include an escrow deposit?

☐ No.

☒ Yes. Attach to the Proof of Claim form an escrow account statement prepared as of the petition date in a form consistent with applicable nonbankruptcy law.

**1. Installment payments due**

Date last payment received by creditor 08/15/2012

Number of installment payments due (1) 28

**2. Amount of installment payments due**

28 @ \$1,790.13 + \$50,123.64  
12/1/10 – 03/01/2013

**3. Amount of post-petition installment payments allowed as arrearage**

1 @ \$1,790.13 + \$1,790.13  
04/01/13 - 04/30/13

**Total installment payments due as of the petition date**

\$51,913.77

Copy total here ► (2) \$51,913.77

**4. Calculation of cure amount**

**Add total prepetition fees, expenses, and charges**

Copy total from Part 2 here ► + \$7,402.60

**Subtract total of unapplied funds** (funds received but not credited to account)

- \$1,322.95

**Subtract amounts for which debtor is entitled to a refund**

- \$0.00

**Total amount necessary to cure default as of the petition date**

(3) \$57,993.42\*

Plus allowable interest; note rate is 6.75%

Copy total onto Item 4 of Proof of Claim form